

From: [Dave Flannery](#)
To: [Abraham, Dennis](#)
Cc: [Spina, Providence](#); [Augustine, Bruce](#); [Williams, Christopher](#); [Mark Feldmeier](#); [john@msesinc.com](#)
Subject: RE: Paul Wissmach Glass Company, Inc.
Date: Wednesday, April 15, 2020 12:57:59 PM
Attachments: [image001.png](#)

Dennis

In looking over our February 21, 2020 letter, I have noted an ambiguity that I would like to clarify. While the letter repeatedly makes the point that 6S does not apply to PWG, I offer the following revision to the first paragraph on page 4 of the letter so that the same point is more clearly made in that paragraph.

“As a follow-up to the proposed rule providing that EPA has elected to pursue the area source – rather than MACT – approach to allow it to consider cost and economic impact on small businesses, EPA revised the proposed rule to make it clear that the rule would only apply to “relatively large manufacturing plants that operated continuous glass furnaces.”³ PWG certainly does not fit into such a category.”

I look forward to our discussions tomorrow.

Dave Flannery

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From: Abraham, Dennis <Abraham.Dennis@epa.gov>
Sent: Thursday, April 9, 2020 10:28 AM
To: Dave Flannery <Dave.Flannery@Steptoe-Johnson.com>
Cc: Spina, Providence <Spina.Providence@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Mark Feldmeier <mark.feldmeier@gmail.com>; john@msesinc.com
Subject: RE: Paul Wissmach Glass Company, Inc.

Thanks Dave.

From: Dave Flannery <Dave.Flannery@Steptoe-Johnson.com>
Sent: Thursday, April 09, 2020 9:27 AM
To: Abraham, Dennis <Abraham.Dennis@epa.gov>
Cc: Spina, Providence <Spina.Providence@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>;
Williams, Christopher <Williams.Christopher@epa.gov>; Mark Feldmeier
<mark.feldmeier@gmail.com>; john@msesinc.com
Subject: Paul Wissmach Glass Company, Inc.

Dennis

Thanks for your email. So far our family has been successful in avoiding the virus. Thanks for asking.

Other than to provide you with a report that the PWG operations have been shut down pursuant to a COVID-19 order of the Governor, we do not have anything new to present that was not included in our February 21, 2020 letter. That letter, of course, reviewed what we believe to be a clear exemption of the PWG facilities from the 6S Rule. We are glad to review the content of that letter during our call next week, if you think that would be useful. Just let me know.

Stay safe.

Dave Flannery

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From: Abraham, Dennis <Abraham.Dennis@epa.gov>
Sent: Wednesday, April 8, 2020 4:03 PM
To: Dave Flannery <Dave.Flannery@Steptoe-Johnson.com>
Cc: Spina, Providence <Spina.Providence@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>;

Williams, Christopher <Williams.Christopher@epa.gov>

Subject: RE: Paul Wissmach Glass Ompany, Inc.

Hello Dave,

First, let me say that I hope you and your family are doing well, given the global pandemic that we are all doing our best to endure.

Secondly, EPA looks forward to our conference call next Thursday (4/16). Our approach in these instances is simply to allow a Respondent to present whatever information you believe will help to clarify or correct any issues relative to the violations alleged in the NON/Show Cause, and generally gain a better understanding of your client's position and/or willingness to resolve the matter.

Having said that, if you intend to use a presentation during the call, please provide me with a copy in advance of the meeting so that we can review it and be prepared to discuss it.

Thank you.

Dennis

From: Dave Flannery <Dave.Flannery@Steptoe-Johnson.com>

Sent: Wednesday, March 18, 2020 9:29 AM

To: Abraham, Dennis <Abraham.Dennis@epa.gov>

Cc: Spina, Providence <Spina.Providence@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>

Subject: RE: Paul Wissmach Glass Ompany, Inc.

Dennis

Of the dates you propose, we offer the following as possible times for a conference call:

April 6	all day
April 7	all day
April 9	all day (except between 11 am and 12 noon)
April 14	all day
April 16	am

For PWG, attendees on the call will be:

Mark Feldmeier

John Keeling

David Flannery and Kathy Beckett

Paul Wissmach Glass

MSES Consultants

Steptoe & Johnson

Dave Flannery

Steptoe & Johnson PLLC

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From: Abraham, Dennis <Abraham.Dennis@epa.gov>

Sent: Tuesday, March 17, 2020 5:21 PM

To: Dave Flannery <Dave.Flannery@Steptoe-Johnson.com>

Cc: Spina, Providence <Spina.Providence@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>;
Williams, Christopher <Williams.Christopher@epa.gov>

Subject: Paul Wissmach Glass Ompany, Inc.

Hello Dave,

By way of introduction, I am the assigned attorney in EPA's Philadelphia regional office, assigned to this matter along with Providence Spina in headquarters.

The Environmental Protection Agency (EPA) has reviewed your February 21, 2020 response to EPA's February 3, 2020 Notice of Noncompliance/Opportunity to Show Cause (the NON/Show Cause). In your response, you have

indicated your willingness to meet with EPA to further discuss the allegations set forth in the NON/Show Cause.

In light of the current extraordinary health circumstances and social distancing restrictions surrounding the COVID-19 pandemic, EPA proposes to confer with you and your clients regarding the NON/Show Cause via conference line. Please consider the following proposed dates to discuss this matter:

April 6, 7, 9, 14-16 (mutually convenient times can be decided later)

If, however, you would prefer an in-person meeting, please let me know, and propose some dates.

I look forward to hearing from you soon. Thank you.

Dennis M. Abraham
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